

**DIVISION CIRCULAR #43**  
**(N/A)**

**DEPARTMENT OF HUMAN SERVICES**  
**DIVISION OF DEVELOPMENTAL DISABILITIES**

**EFFECTIVE DATE:** March 31, 1997

**DATE ISSUED:** March 1, 1997

(Rescinds Division Circular #15 "Interagency Agreements" issued April 5, 1990.)

- I. **TITLE:** Interagency Agreements
- II. **PURPOSE:** To establish policies and procedures to ensure that agreements negotiated between the Division of Developmental Disabilities or any of its components and other public or private agencies are consistent with Division policy, have the approval of the Division Director or Regional Assistant Director (RAD), and are properly promulgated.
- III. **SCOPE:** This circular applies to all components of the Division.
- IV. **POLICIES:**
  - ... The Division shall interact cooperatively with other public and private agencies to maximize the delivery of services.
  - ... All interagency agreements shall be approved and promulgated by the Division Director if the agreement is Division-wide or crosses regions. Where the agreement involves a single region the agreement may be signed by the RAD.
- V. **GENERAL STANDARDS:**
  - A. Definition - For the purpose of this circular the following term shall have the meaning defined herein:

Interagency Agreement - means a written delineation of arrangements between or among agencies to facilitate the use and/or delivery of service resources. These are not contracts.
  - B. An interagency agreement shall be required in the following situations:

1. More than one agency delivers the same or similar service/program to a common group and there is need to delineate respective roles and responsibilities.
  2. A binding interpretation is needed where there is a conflict of regulations between agencies with similar statutory authority.
  3. A transition of service delivery to individuals is required from one agency to another to provide a continuum of service.
  4. An agency utilizes resources of the Division (e.g., hospital, motor pool, farmlands, etc.) or a component of the Division utilizes the resources of another agency.
- C. An interagency agreement shall not be required in the following situations:
1. The matter involves a contract, grant, rental or fee for service specified in another signed document.
  2. One agency has clear statutory or regulatory authority to regulate another agency.
  3. The matter is already covered by existing policy or directive, including, but not limited to, Executive Order, Administrative Order, Department Contract Policy Circular or Division Circular.
- D. All new or revised interagency agreements shall be signed by the Division Director or RAD, as appropriate.
- E. The Division's Administrative Practice Officer shall receive and maintain a copy of all interagency agreements.
- F. The agreement shall be renewed, revised as needed. If any of the terms of an agreement become invalid or should be altered, the agreement shall be re-negotiated as quickly as possible following the requirements of this circular.

## **VI. PROCEDURES**

- A. The request to establish an Interagency Agreement shall be reviewed by the Division's Administrative Practice Officer to ensure that the proposed agreement does not conflict with any existing statute, regulation, policy, directive or agreement. Any conflicts or cautions shall be communicated to the Division component negotiating the Interagency Agreement.
- B. The Division component negotiating the agreement shall consult with other Department or Division components during the negotiating process if the agreement impacts on those components.
- C. When negotiations are completed, the agreement shall be put in writing. The format may vary according to the needs of the component but shall include the following:
  - 1. A title by which the agreement can readily be identified.
  - 2. Identification of the involved agencies including Department and/or Division component(s).
  - 3. The exact terms of the agreement, listed sequentially and specifying the roles and responsibilities of each party to the agreement.
  - 4. The term of the agreement and how it may be rescinded or altered. The agreement shall stipulate a time frame for review.
  - 5. Signature blocks and titles of persons who will sign the agreement.
- D. The agreement shall be signed by the Director or RAD, as appropriate.
- E. The Division component negotiating the agreement shall be responsible to issue copies to all the involved parties.

- F. If the agreement is to be rescinded, the component shall notify the Division's Administrative Practice Officer and other parties involved in writing.

\_\_\_\_\_/s/\_\_\_\_\_  
Robert B. Nicholas, Ph.D., Director  
Division of Developmental Disabilities